



ENTERED
11/02/2010

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	Chapter 11
	§	Jointly Administered Under
DEEP MARINE HOLDINGS, INC. et al.,	§	Case No. 09-39313-H1-11
Debtors.	§	

**John D. Bittner, Liquidating Trustee,
Plaintiff**

And

General Electric Capital Corp.,

Plaintiff-in-Intervention,

Vs.

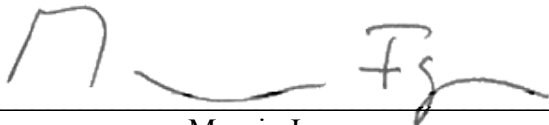
Adversary No. 10-3312

**Nasser Kazeminy, NJK Holding, Corp.,
DCC Ventures, LLC, Otto B. Candies, Jr.,
Otto B. Candies, III, Otto Candies, LLC,
and Candies Shipbuilders, LLC,
Defendants**

**ORDER DENYING MOTION TO DISMISS AS A SANCTION
AND CONDITIONALLY ORDERING MEDIATION
(Refers to Docket No. 18)**

Greendyke as a mediator to (i) determine whether the offer is “substantial,” and (ii) if the offer is found to be a substantial offer, conduct a confidential and non-binding mediation pursuant to DLR 16.4, 28 U.S.C. §652 and the General Orders of the District Court. If there is a mediation under this order, GECC, the Plaintiff and Defendants must conclude that mediation before December 15, 2010, unless all parties agree otherwise in writing. Plaintiff, GECC and the Defendants will each bear one-third of the mediator’s fee, but GECC’s 1/3 of the mediator’s fee shall not exceed \$4,000. If the Mediator’s fee exceeds \$12,000, Plaintiff and Defendants share the excess equally.

Signed: November 02, 2010



Marvin Isgur
Chief United States Bankruptcy Judge

AGREED AS TO FORM:

MCKOOL SMITH P.C.

By: /s/Hugh M. Ray, III
Hugh M. Ray, III (Texas Bar No. 24004246)

600 Travis, Suite 7000
Houston, Texas 77002
Telephone: (713) 485-7300
Facsimile: (713) 485-7344

ATTORNEYS FOR LIQUIDATING TRUSTEE

THOMAS S. HENDERSON, Attorney At Law

By: /s/ Thomas Henderson by permission HMR
Thomas S. Henderson (Texas Bar No. 09432300)

South Tower, Pennzoil Place
711 Louisiana, Suite 3100
Houston, Texas 77002-2716
Telephone: (713) 227-9500
Facsimile: (713) 620-3023

COUNSEL FOR THE DEFENDANTS

ADAMS AND REESE LLP

By: /s/ Susan Mathews by permission HMR
Susan C. Mathews (Texas Bar No. 05060650)

1221 McKinney, Suite 4400
Houston, Texas 77010
Telephone: (713) 652-5151
Facsimile: (713) 652-5152

ATTORNEYS FOR GENERAL ELECTRIC
CAPITAL CORPORATION, INTERVENING
PLAINTIFF